

REMARKS

Claims 1-32 are pending in the application. Claims 1-16, 19-24 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,270,347 to Webster et al. Claims 17, 18 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster et al. in view of Webster's reference of orthopedic applications. For the reasons set forth below, reconsideration of the amended application is respectfully requested.

Claim 20 has been amended to conform to the remaining independent claims as filed, so that all pending claims now require that the ceramic particles used in the present invention must be homogeneously distributed in the polymer matrix. The reference cited against the pending application neither discloses nor suggests that limitation. Accordingly, the rejections under §§102(e) and 103(a) should be withdrawn.

Further to the above, the cited reference discloses only that a ceramic material may be combined with a polymer material to yield a composite material. The cited reference is silent as to how the materials are combined, and certainly does not suggest that the materials should be combined so that the mixture is homogeneous. Moreover, the cited reference provides no working examples showing the hypothesized composite, so there can be no inherent disclosure based on an example provided by the reference.

It is understood that a reference must teach or suggest each and every limitation of a claim to anticipate under §102, or to make obvious under §103. Since the cited reference fails to teach or suggest the limitation that the ceramic particles used in the present invention must be homogeneously distributed in the polymer matrix, the rejections under §§102(e) and 103(a) should be withdrawn.

Favorable consideration of the application is respectfully requested.

Respectfully submitted,

By: Timothy N. Thomas

Timothy N. Thomas, Esq.,

Reg. No. 35,714

Woodard, Emhardt, Moriarty, McNett & Henry LLP

111 Monument Circle, Suite 3700

Indianapolis, IN 46204-5137

(317) 634-3456 Telephone

(317) 637-7561 Facsimile

Attorney for Applicant